

Serial No. 10/647,006
Applicant: RAKOCZY

REMARKS

The Examiner's final Office Action of 08/12/2005 has been reviewed. The Examiner's findings with regard to Paragraphs 1 and 2 of the Office Action relating to the election/restrictions are noted.

The Examiner has then rejected claims under U.S.C. 102 and 103 as being unpatentable over Greene. The Examiner has then rejected Claim 15 "under 35 U.S.C. 103(a) as being unpatentable over Greene, US Patent 4,463,856, as applied to claim 2 above and further in view of O'Donnell, US Patent 44,447. This rejection based upon Greene and O'Donnell is traversed. Further in order to expedite the prosecution of this application, all claims have been canceled except for Claim 2 which has been amended to include the subject matter of Claim 15.

It is urged that the Examiner's rejection on his combination of Greene and O'Donnell is improper inasmuch as Claim 2 not only discloses a support base with plates but also a bottle retaining brace as shown in Figures 11 and 12. Such brace has "a horizontal resting plate" and a "horizontal support member". In the prior art, there is no such support base in combination with a bottle retaining brace wherein the bottle retaining brace has

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both horizontal and vertical components. Beyond this, Claim 2 has been amended to include the recitation of Claim 15 wherein the "resting plate being adjustably coupled to the vertical member." Such a combination of elements is not found in the prior art whether taken alone or in combination. Beyond these obvious deficiencies in the prior art, the two prior art references applied by the Examiner are not from the same field of endeavor. Neither is from the field of endeavor of the present invention which includes a pet/animal activated mechanism.

It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching for their combination. The only teaching is in applicant's disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the resulting structure would still fail to anticipate applicant's invention for the reasons set forth herein above.

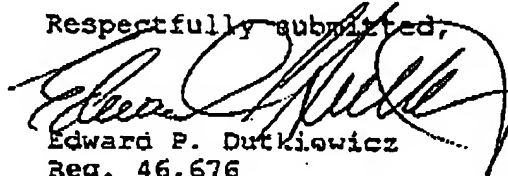
It is deemed that the amendments herein overcome all grounds of objection and rejection. Reconsideration and a Notice of Allowance are requested.

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If the Examiner does not feel that this amendment places the application in condition for allowance, she is requested to enter this amendment for purposes of appeal.

Respectfully submitted,



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